

DECLARATION FOR PATENT APPLICATION

Docket No: NTK-501.01

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Systems and Methods for Backing up Data Files

the specification of which (check one)

() is attached hereto.

(X) was filed on 12-18-99, as United States Application Number or PCT International Application Number 09/465,436, and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulation, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

(Number) (Country) (Day/Month/Year Filed) () Yes () No

(Number) (Country) (Day/Month/Year Filed) () Yes () No

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States Provisional application(s) listed below.

(Application Number) (Filing Date)

(Application Number) (Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Number) (Filing Date) (Status - patented, pending, abandoned)

(Application Number) (Filing Date) (Status - patented, pending, abandoned)

I hereby appoint Beth E. Arnold, Reg. No. 35,430; Paula A. Campbell, Reg. No. 32,603; Charles H. Cella, Reg. No. 38,099; Dana M. Gordon, Reg. No. P-44,719; Edward J. Kelly, Reg. No. 38,936; Donald W. Muirhead, Reg. No. 33,978; Chinh H. Pham, Reg. No. 39,329; Karoline K.M. Shair, Reg. No. 44,332; Anne E. Saturnelli, Reg. No. 41,290; Diana M. Steel, Reg. No. 43,153; Wolfgang E. Stutius, Reg. No. 40,256; Kingsley L. Taft, Reg. No. P-43,946; Anita Varma, Reg. No. 43,221; and Matthew P. Vincent, Reg. No. 38,709 as attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all telephone calls to Edward J. Kelly at telephone number (617) 832-1298

Address all correspondence to: Patent Group
Foley, Hoag & Eliot LLP
One Post Office Square
Boston, MA 02109-2170

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) Christopher Midgley

Inventor's signature _____ Date 9-1-00

Residence 33 Donna Road, Framingham, MA 01701 Citizenship US

Post Office Address _____

(X) Additional inventors are being named on separately numbered sheets attached hereto.

Full name of sole or additional inventor (given name, family name) John Webb
Inventor's signature [Signature] Date 9/1/00
Residence 198 Boston Road, Sutton MA 01580 Citizenship US
Post Office Address _____

Full name of sole or additional inventor (given name, family name) Manuel Goncalves
Inventor's signature [Signature] Date 9/1/00
Residence One Genesee Circle, Milford MA 01757 Citizenship US
Post Office Address _____

Full name of sole additional inventor (given name, family name) Dan Chartier
Inventor's signature _____ Date _____
Residence _____ Citizenship US
Post Office Address _____

Full name of sole or additional inventor (given name, family name) Tom Hansen
Inventor's signature [Signature] Date 9/1/2000
Residence _____ Citizenship US
Post Office Address _____

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STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))—SMALL BUSINESS CONCERN

Docket Number (Optional)
 NTK-005.01

Applicant, Patentee, or Identifier: Midgley et al

Application or Patent No.: 09/465436

Filed or Issued: 12/16/99

Title: Systems and Methods for Backing Up Data Files

I hereby state that I am

☐ the owner of the small business concern identified below;

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Live Vault Corporation

ADDRESS OF SMALL BUSINESS CONCERN 201 Boston Post Road West
Marlborough, MA 01752

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

☐ the specification filed herewith with title as listed above.

☒ the application identified above.

☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(a) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

☒ no such person, concern, or organization exists.

☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Richard Piccolo

TITLE OF PERSON IF OTHER THAN OWNER Chief Financial Officer

ADDRESS OF PERSON SIGNING 201 Boston Post Road West, Marlborough, MA 01752

SIGNATURE R. Piccolo DATE 9/5/00

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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